

SOIL CONSERVATION DIVISION[27]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 161A.4(1), the Division of Soil Conservation of the Department of Agriculture and Land Stewardship hereby amends Chapter 10, "Iowa Financial Incentive Program for Soil Erosion Control," Iowa Administrative Code.

The existing summer construction incentive provisions for soil erosion control provide an increased cost-share rate for constructing conservation practices from June 15 to October 15. Drought has had an adverse impact on the construction of certain practices. These amendments allow that, for the current year, the completion requirement is considered to have been met if the practice is completely finished by December 31, 2012. Haying and grazing can occur during calendar year 2012 without loss of the summer construction incentive. Additionally, a one-time payment of \$25 per acre is authorized for establishing a cover crop.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin as **ARC 0303C** on August 22, 2012. Technical corrections have been made to the summary paragraph of the preamble. These amendments are identical to those published in the Notice of Intended Action.

Pursuant to Iowa Code section 17A.4(3), the Division finds that notice and public participation has begun and will be continued. However, delaying implementation until completion of the notice and public participation process would be contrary to the public interest.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Division further finds that the normal effective date of these amendments, 35 days after publication, should be waived and these amendments made effective August 24, 2012. Adoption of these amendments on an emergency basis confers a benefit to the public by encouraging certain conservation practices, allowing the timing of conservation measures to be appropriate, and permitting certain needed activities.

These amendments are subject to the Division's general waiver provisions.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code section 161A.2.

These amendments became effective August 24, 2012.

The following amendments are adopted.

ITEM 1. Amend paragraph **10.60(1)"c"** as follows:

c. For currently funded fiscal years, the division will make one-time payments of up to \$10 per acre for no-tillage, ridge-till and strip-till; \$6 per acre for contour farming; \$25 per acre for establishing a cover crop; and 50 percent of the cost up to \$25 per acre for strip-cropping, field borders and filter strips. Not more than 30 percent of the district's original allocation and supplemental allocation may be used for the establishment of management practices to control soil erosion on land that is now row-cropped.

ITEM 2. Amend paragraph **10.60(2)"c"** as follows:

c. The construction of the permanent conservation practice shall take place between June 15 and October 15. Work must be started and completed between these dates and verified by the technician prior to payment of the incentive. For calendar year 2012, work which has been started by June 15 and is completely finished by December 31 will be considered to be constructively completed by October 15.

ITEM 3. Adopt the following new paragraph **10.60(2)"f"**:

f. Haying and grazing may occur during calendar year 2012 without loss of the summer construction incentive.

ITEM 4. Adopt the following new paragraph **10.82(1)“d”**:
d. Cover crops.

[Filed Emergency 8/23/12, effective 8/24/12]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/19/12.